

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HAZEN VERMEULEN, et al.,

Plaintiffs,

CASE NO. 1:23-CV-901

v.

HON. ROBERT J. JONKER

VICKSBURG COMMUNITY SCHOOLS, et al.,

Defendants.

ORDER

On October 4, 2024, plaintiff's counsel filed a Motion for Leave to Withdraw as counsel, detailing a breakdown in the attorney/client relationship. (ECF No. 43). In cases involving proposed withdrawal of counsel based on a breakdown in the attorney/client relationship, the Court normally convenes a hearing with both counsel and client present to sort out any factual disputes and chart a pathway forward that protects the interest of clients, counsel and opposing parties.

In this particular situation, however, the named parties to the case, as well as counsel for those parties, appear to have worked out a solution on their own because on October 7, 2024, they filed a proposed stipulation of dismissal without prejudice. (ECF No. 46). Counsel for the parties signed the stipulation. So did each of the individual plaintiffs who would be unrepresented in the case if the Court granted the motion of plaintiffs' counsel for leave to withdraw.

Under these unusual circumstances, the Court is satisfied that it can enter the stipulated dismissal as proposed and protect the interests of the parties and counsel. A dismissal without prejudice will allow plaintiffs to file their claims again, if they wish, either on their own or through new counsel. In some situations, defendants might object to an unqualified dismissal without

prejudice because of the investment they already made in the case, but here the defense has stipulated to the outcome. And once the case is dismissed, plaintiff's counsel will have no further obligation to plaintiffs in this particular case.

Accordingly, the Court **ACCEPTS** the proposed stipulation of dismissal without prejudice (ECF No. 46) and now **DISMISSES THIS CASE WITHOUT PREJUDICE** based on it. As the stipulation provides, the dismissal is not only without prejudice, but also without costs an attorney fees to any party. This effectively moots the Motion of plaintiffs' counsel for leave to withdraw, but to ensure there is no doubt about the matter the Court also **GRANTS** that motion (ECF No. 43), effective as of the dismissal of the case under the parties' stipulation.

IT IS SO ORDERED.

Dated: October 8, 2024

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE